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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,414	04/30/2001	David Reyna	40101/01801	2874

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EXAMINER
CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
2191	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/845,414	REYNA ET AL.
	Examiner	**Art Unit**	
	John Chavis	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 April 2005_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-9 and 11-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-9 and 11-18_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _8/24/01_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2.   Claims 2 and 12 are rejected under 35 U.S.C. 112, second paragraph, as failing

to set forth the subject matter which applicant(s) regard as their invention. Evidence

that claim 2 fail(s) to correspond in scope with that which applicant(s) regard as the

invention can be found in the details of claim 2 which indicates that the invention

"automatically generates the first code", while, claim 1, from which claim 2 depends,

indicates that information is extracted from the first code (which makes it appear that the

code already exists). Therefore, it is not clear what is generated in claim 2.

Drawings

3.   The drawings are objected to because the shading of figures 4, 7-11 and 14 are

unevenly dark, blurred and difficult to read, see 37 CFR 1.84(m). Corrected drawing

sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to

avoid abandonment of the application. Any amended replacement drawing sheet should

include all of the figures appearing on the immediate prior version of the sheet, even if

only one figure is being amended. The figure or figure number of an amended drawing

should not be labeled as "amended." If a drawing figure is to be canceled, the

appropriate figure must be removed from the replacement sheet, and where necessary,

the remaining figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional replacement

sheets may be necessary to show the renumbering of the remaining figures. Each

drawing sheet submitted after the filing date of an application must be labeled in the top

margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If

the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the

drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5.   Claims 1-9, 11-18 are rejected under 35 U.S.C. 102(e) as being anticipated by

DaSilva et al. (6,493,868). The claims are now presented in a side-by-side manner with

the teachings of DaSilva below.

What is claimed is:

DaSilva et al.

1. A method executed on a computing device to perform an operation on extracted elements of a first software code, comprising the steps:

See the title and the abstract.

generating a list of desired elements of a first software code,

See fig. 4.

the first code having a predefined command structure;

Any code that is created is considered to have a predefined command structure to ensure that each step of the function is executed in order. However, note that a predefined structure is provided based on the programming language utilized, see col. 2 lines 30-41.

The predefined command structure being displayed via a graphical user interface;

See again fig. 4 and col. 1 lines 23-25.

extracting the desired elements from the first code;

See col. 2 lines 30-41.

and performing an operation on the extracted elements.

An operation that is performed on the block (extracted element) would be the editing function specified in col. 3 29-34.

2. The method according to claim 1, wherein the code is generated according to the following substeps: receiving parameter information via the graphical user interface,

See the editing feature of claim 1 above.

receiving handler function information via the graphical user interface, and

See the breakpoint setting information (handler function information) indicated in col. 16.

automatically generating the first code using the parameter information and handler function information.

DaSilva enables real-time modifications (automatically generating), in col. 1 Lines 38-49 and col. 2 lines 63-67. Furthermore, modifications occur at

run-time (i.e. automatic generating of code).

3. The method according to claim 1, wherein the list of desired elements includes a list of language translatable elements and

See col. 2 lines 30-41.

wherein the performing step includes the following substeps: translating the extracted elements from a first language into a second language.

See again the converting from C to assembly in the cited portion above.

4. The method according to claim 3, wherein the performing step includes the following substep: inserting the translated elements back into the first code.

See also in the cited portion of col. 2 above that either language is editable, implying translations inserted back into either language.

5. The method according to claim 3, wherein the performing step includes the following substep: generating a second code as a function of the first code and the translated elements.

The converting function in claim 3 is considered the first code; while, the executable (assembly code) is the second code.

6. The method according to claim 1, wherein the list of desired elements includes a list of help-related elements and wherein the performing step includes the following substeps: generating a help manual as a function of the extracted elements.

See the highlighting of keywords, comments and the context-sensitive help features of col. 2 lines 30-41.

7. The method according to claim 1, wherein the list of desired elements is generated via a command graphical user interface.

See again the rejection of claim 2 and fig. 4.

8. The method according to claim 1, wherein a command graphical user interface displays the extracted elements.

"   "   "   "   "

9. The method according to claim 1,

See figs. 4, 5, and 8.

wherein the predefined command
structure is a hierarchical command
tree.

Claims 11-14 are rejected in view of the rejections of the method claims 1-4

above in view of the inherent functions and apparatus required to implement the

methods.

As per claims 15-18, see the rejections of claims 6-9 above in view of

DaSilva's system claims 1-19.

Other references, although not specifically, are considered pertinent to the

applicant's disclosure (for example, see the newly cited patent to Duboc et al. and the

patent the Beatty et al.)

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John Chavis whose telephone number is (571) 272-

3720. The examiner can normally be reached on M-Th, 7:30am-4:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tuan Dam can be reached on (571) 272-3695. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC

John Chavis
Primary Examiner AU-2191